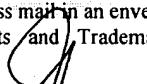




Docket No.: 18240/Mathys

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on:  
July 12, 2002  
(date)   
Alan Israel  
Reg. No. 27,564

In re: Application of : David Ian FLYNN, et al.  
Serial No. : 10/014,387 Group Art Unit:  
Filed : December 11, 2001 Examiner:  
For : FILTERED CATHODE ARC SOURCE  
DEPOSITION APPARATUS

New York, New York  
July 12, 2002

**DECLARATION UNDER RULE 47(a)**

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**RECEIVED**

JUL 18 2002

Sir:

**OFFICE OF PETITIONS**

I, Alan Israel, Esq., declare:

1. I am a patent attorney with the firm of Kirschstein, Ottinger, Israel & Schiffmiller, P.C. and am registered under No. 27,564 with the U.S. Patent and Trademark Office. I am an attorney of record in this application.

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**OFFICE OF PETITIONS**

2. This application was filed on December 11, 2001 without a Declaration and Power of Attorney. There are five inventors: Xu SHI, Beng Kang TAY, David Ian FLYNN, Hong Siang TAN and Michael FULTON. This application is a continuation-in-part of U.S. Patent Application Serial No. 08/894,419, filed November 21, 1997, in which the same five inventors were named and all of whom executed the Declaration and Power of Attorney in the parent application.

3. Mr. Tay, the second listed inventor, signed one of the accompanying Declarations and Power of Attorney on behalf of the fifth listed inventor, Mr. Fulton, who cannot be found or reached after diligent efforts to have him execute the Declaration and Power of Attorney.

4. Mr. Fulton is a former employee of Avimo Singapore Limited (Avimo) and was required to assign all inventions made during the course and scope of his employment to Avimo.

5. Mr. Fulton's last known residence was at 175 Jalan Loyang Besar, Singapore, 509428, Republic of Singapore.

6. On February 9, 2002, Professor Hang Siang Tan, one of the joint inventors, was unable to supply contact details for Mr. Fulton who was believed to have moved to, and is currently living, in the United States, but at an unknown address. Professor Tan suggested searching for persons of the name "Mr. Michael Fulton" on the Internet. A

search was carried out on February 11, 2002. However, this found too many listings for that name in each state of the United States.

7. On February 14, 2002, Filplas Vacuum Technology PTE Ltd. (Filplas) who had since taken over as Assignee of this application, contacted Avimo by telephone and they were advised by a member of the staff that contact details for Mr. Fulton were not available. Avimo offered to try and obtain Mr. Fulton's whereabouts, but no reply was received.

8. On February 18, 2002, Filplas tried again to contact Avimo and was advised that no information regarding Mr. Fulton could be found. Avimo told Filplas to contact a person by the name of "Elsie" who was thought to know Mr. Fulton's new address.

9. As of March 12, 2002, there had been no reply to several telephone calls placed to Elsie by Filplas.

10. On March 26, 2002, Filplas again searched the Internet for a Mr. Michael Lee Fulton. However, this was again unsuccessful due to the large number of entries of this name in each state of the United States.

11. On April 2, 2002, Filplas again telephoned Avimo and asked for a message to be sent to Elsie to return their telephone calls and advise her that they were trying to reach Mr. Fulton.

12. On April 5, 2002, a staff member from Avimo informed Filplas that Elsie did not have any contact details for Mr. Fulton.

13. On April 22, 2002, after seeking out another old contact number for Mr. Fulton, Filplas was informed by a member of the staff of Avimo that Mr. Fulton had moved to the United States several years ago, but that his current whereabouts are unknown.

14. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: July 12, 2002

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Alan Israel